

Information for Employees Entering Military Active Duty

On October 13, 1994, the Uniformed Services Employment and Reemployment Rights Act (USERRA) passed. USERRA expanded the rights of employees entering uniformed services, therefore, giving employees options related to their employment and benefits. The following is a checklist designed to counsel the employee on their benefits and provide an opportunity for them to make elections regarding their options.

Pay. Employees performing active military duty will receive compensation from the military component in accordance with the terms and conditions of the military enlistment or appointment. Employees will not receive any compensation from the civilian employing agency unless the employee elects to use available military leave or annual leave.

Military Leave. Employees who perform active military duty may request the use of paid military leave. Eligible full-time employees accrue 15 calendar days of military leave and may have up to 30 calendar days of military leave for use during the fiscal year. This military leave is charged in hourly increments, for days work or other types of leave would be required in the civilian position. Employees who enter into active duty may choose to have their annual leave remain to their credit until they return to their civilian position, OR receive a lump-sum payment for all accrued annual leave. This provision applies whether or not an employee is placed on LWOP or separates.

Health Benefits. Employees who are covered by the Federal Employees Health Benefits Program (FEHBP) and are either separated or placed in a LWOP status to perform military service may continue to be covered by FEHB for up to 18 months, unless the employee elects in writing to have the enrollment terminated. If the employee chooses to continue the FEHB, and the employee has been called to active duty in support of a contingency operation, the agency will pay the employee share of the premium. If the employee's military service is not in support of a contingency operation, he/she is responsible for paying the employee share of the premium for the first 12 months and 102% for the final 6 months of continued coverage. During the first 12 months, employees may pay currently (generally with after-tax monies) or incur a debt to be paid upon their return (generally on a pre-tax basis if the employee participates in premium conversion). The cost for the final 6 months must be paid currently.

Note: Termination is not considered a break in coverage for purposes of meeting the 5-year/first opportunity requirement to continue FEHB into retirement.

Life Insurance. Employees who separate or are placed on LWOP to perform active duty service continue to be covered by the Federal Employees' Group Life Insurance (FEGLI) for up to 12 months at no cost to the employee.

Retirement. An employee who is placed on LWOP while performing active military duty continues to be covered by the retirement law, i.e., CSRS or FERS. Death and disability benefits under the civilian retirement rules would apply if the employee continues in LWOP. If an employee separates to perform active military duty, he/she would generally receive retirement credit for the period of separation if a deposit for the military service is made. Upon restoration to the civilian position, the employee may make a deposit for the military service. The deposit would equal the lesser of 1) 7% (or 3% for FERS) of the military basic pay OR 2) 7% (or .8% for FERS) of the civilian pay. (Deposit amounts may vary by year because of law or regulation.) If the military deposit is paid before the interest accrual date (within 3 years of returning to a covered position) no interest is charged on the military deposit.

Thrift Savings Plan. No contributions can be made to the TSP while on LWOP or if separated from the civilian position. However, if the employee is restored to his/her civilian position, retroactive contributions and TSP elections may be made to cover that period of service. Employees interested in

making retroactive contributions must contact their servicing payroll office to setup a payment plan. Employees should be aware that the amount of money they can contribute retroactively to their civilian accounts will be offset by any contributions made to their uniformed services TSP account while on active duty. FERS employees are entitled to receive matching funds based on contributions made from basic pay while in the uniformed services, if the employee is restored to his or her civilian position.

Uniformed services accounts are maintained separately from civilian accounts. However, if an employee contributes to both, the sum of the contributions to the two accounts during the same calendar year cannot exceed the applicable IRS annual deferral limits. Members of the uniformed services have access to the TSP loan program. However, reservists who drill only monthly should think seriously before taking a loan from their military accounts because they may be unable to repay the loan in the time frame required by law. Employees are prohibited from repaying a uniformed services TSP loan from civilian pay, or vice versa. Once an employee separates from either the uniformed services, or the Federal civilian service, the employee will be able to combine the TSP accounts by contacting the TSP Service Office (see TSP Bulletin 02-7, "TSP Participation of Individuals Who Return to Civilian Service or Pay Status Following Military Service").

Acknowledgement of receipt:

Employee Name (Print)

Employee Signature

Date Signed

CHECKLIST FOR EMPLOYEES ENTERING EXTENDED MILITARY ACTIVE DUTY

I want to be: (Please initial your election/acknowledgement)

- ☐ Placed on LWOP, beginning _____.
- ☐ Separated, effective _____.

Military Leave:

- ☐ I have a balance of annual leave that I would like to be paid a lump sum.
- ☐ I want to leave my annual leave to my credit.
- ☐ I have military leave that I want to use. Number of days: _____

Health Benefits:

- ☐ I want to terminate my FEHB effective _____.
- ☐ I want to continue my FEHB:
- ☐ I am being called to active duty in support of a contingency operation, my agency will pay my share of the FEHB premium.
- ☐ I am not called to active duty in support of a contingency operation, I want to pay for my FEHB on a continuing basis during my absence (generally with after-tax monies) **OR**
- ☐ I want to incur a debt to be paid upon my return (generally on a pre-tax basis if you participate in premium conversion).

I understand that if I am enrolled in premium conversion, I have 60 days from the start of my unpaid leave of absence to terminate the premium conversion, which would allow me to terminate my FEHB coverage at any time. If I do not cancel my premium conversion within the 60-day limit, I cannot terminate my FEHB except during the annual FEHB open season or 60 days after another qualifying life event. I understand that if I continue my FEHB after the first 12 months, my share will be 102% of the cost and it must be paid currently.

FEGLI:

- ☐ I understand that my FEGLI coverage will continue for 12 months with no cost to me.

Retirement:

- ☐ I understand that if I am placed on LWOP, death and disability benefits continue under my retirement system.
- ☐ I understand that the military service is potentially creditable service but I must make a deposit for that service to avoid Catch-62 (FERS and CSRS employees first hired on or after 10-1-82 must make a deposit to receive retirement credit).

If I am **restored** (return from military service within 5 years) I will have the deposit calculated in two ways: the deposit will be calculated using the lesser of the CSRS or FERS retirement contributions attributed to the period of military service, or the military deposit amount based on my military base pay. If I am **not restored**, the military deposit calculation would be based on my military base pay.

Thrift Savings Plan:

If I am restored to my civilian position, I may make retroactive contributions and elections.

- ☐ I understand that I will need to contact my personnel office to make retroactive TSP contributions and elections.
- ☐ I understand that if I have a TSP loan, I should inform my personnel office and request that a TSP-41 be prepared and sent to TSP.

I understand my elections: _____ Date: _____

Employee Signature

Home Address: _____